

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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:  
AURELIUS CAPITAL MASTER, LTD., :  
*et al.*, :  
:

Plaintiffs, :

–against– :

MBIA INC., *et al.*, :

Defendants. :  
:  
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09 Civ. 2242 (RJS)

**NOTICE OF MOTION TO DISMISS**

PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law and Declaration of Jonathan D. Siegfried, dated May 4, 2009, along with the exhibits attached thereto, Defendants MBIA Inc. ("MBIA Inc."), MBIA Insurance Corporation ("MBIA Insurance"), and MBIA Insurance Corporation of Illinois ("MBIA Illinois") (collectively, "Defendants" or the "MBIA Group"), will move this Court, before the Honorable Richard J. Sullivan at Room 21C, United States Courthouse, Southern District of New York, 500 Pearl Street, New York, New York, on a date and at a time designated by the Court, for an Order dismissing Plaintiffs' Complaint in its entirety for lack of subject matter jurisdiction pursuant to Federal Rule of Civil Procedure 12(b)(1), as well as for failure to state a claim on which relief can be granted pursuant to Federal Rules of Civil Procedure 9(b) and 12(b)(6), and for such other relief as the Court may deem just and proper.

PLEASE TAKE FURTHER NOTICE that Plaintiffs' opposition papers, if any, shall be served on the undersigned so as to be received on or before May 18, 2009, and Defendant's reply papers, if any, shall be served on counsel for Plaintiffs so as to be received on or before May 26, 2009.

Dated: New York, New York  
May 6, 2009

**DEWEY & LEBOEUF LLP**

By: /s/ Jonathan D. Siegfried  
Jonathan D. Siegfried

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